

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 11381 Permit 6573 License 5846

ORDER AMENDING LICENSE

WHEREAS:

1. License 5846 was issued to Kenneth D. Fobes and John S. Fobes and recorded at the office of the Mono County Recorder on October 26, 1959.
2. License 5846 was subsequently assigned to John S. Fobes and the Estate of Kenneth D. Fobes.
3. License 5846 confers upon John S. Fobes and the Estate of Kenneth D. Fobes an appropriative right to use water from an Unnamed Spring tributary to the Owens River in Mono County.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. The License was issued without referencing compliance with Section 5937.
6. Since amendment of License 5846 to require compliance with Fish and Game Code Section 5937 is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following condition is added to this License:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

Dated: JUNE 13 1997


Walt Pettit
Executive Director

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

AP: In the Matter of License 5846,)	
Issued Pursuant to Permit 6573,)	
Application 11381,)	Source: An Unnamed Spring
Kenneth D. and John S. Fobes,)	County: Mono
Licensees.)	

ORDER AMENDING LICENSE

License 5846 having been issued to Kenneth D. and John S. Fobes on October 22, 1959, confirming in the licensees the right to divert twenty-nine thousandths (0.029) cubic foot per second to be diverted from January 1 to December 31 of each year with a priority date of April 22, 1946, from an unnamed spring in Mono County, upon a condition that the total amount of water diverted under said license together with that diverted under rights covered by License 5845 (Application 11308) and License 652 (Application 4047) shall not exceed 0.029 cubic foot per second; and as License 5845 confirms in the licensees, Kenneth D. and John S. Fobes, the right to divert 7,100 gallons per day from about September 1 to about May 1 of each year and as License 652 confirms in the licensee, Kenneth D. Fobes, the right to divert 0.05 cfs from about May 1 to about September 1 of each year from the same source, the aforesaid condition contained in License 5846 is invalid in that it purports to impose a restriction upon the licensees' right to divert under Licenses 652 and 5845 which is not within the

Board's authority; the Board concludes that License 5846 should be modified to delete the condition limiting the total amount of water diverted under the license together with that diverted under rights covered by Licenses 652 and 5845.

NOW, THEREFORE, IT IS HEREBY ORDERED that License 5846 issued pursuant to Permit 6573, Application 11381, be, and the same is, amended by deleting the following condition:

"The total amount of water diverted under this license together with that diverted under rights covered by Application 11308, License 5845 and Application 4047, License 652 shall not exceed 0.029 cubic foot per second."

Adopted as the order of the State Water Rights Board at a meeting duly called and held at Sacramento, California, this 26th day of June, 1962.



Kent Silverthorne
Kent Silverthorne, Chairman

Ralph J. McGill
Ralph J. McGill, Member

W. A. Alexander
W. A. Alexander, Member



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 11381

PERMIT 6573

LICENSE 5846

THIS IS TO CERTIFY, That

Kenneth D. Fobes and John S. Fobes
Fobes "40"
Bishop, California

Notice of Cancellation (over)

have made proof as of June 20, 1958
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed spring in Mono County
tributary to Owens River Watershed

for the purpose of recreational use
under Permit 6573 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from April 22, 1946
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed twenty-nine thousandths
(0.029) cubic foot per second to be diverted from January 1 to December 31 of
each year.

The total amount of water diverted under this license together with that diverted
under rights covered by Application 11308, License 5845 and Application 4047,
License 652 shall not exceed 0.029 cubic foot per second.

The point of diversion of such water is located :

South four hundred fifty (450) feet and east three hundred seventy-five (375)
feet from center of Section 31, T4S, R30E, MDB&M, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of
said Section 31.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 31, T4S, R30E, MDB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: OCT 22 '59



L. K. Hill
L. K. Hill
Executive Officer

*10/6/67 Sub of Kenneth D. Lobes
Chgd to Est. of Kenneth D. Lobes*

LICENSE 5846

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Kenneth D. and John S.
Fobes

DATED OCT 22 '59